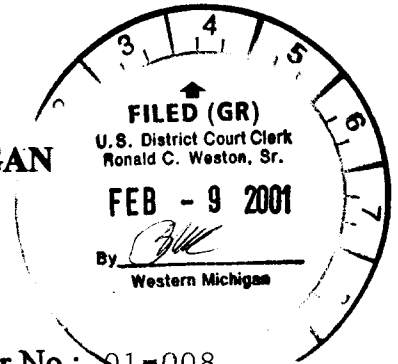


**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**



IN THE MATTER OF THE
RULES OF THE COURT

Admin. Order No.: 01-008

**ADMINISTRATIVE ORDER
COLLATERAL FORFEITURE SCHEDULE
UNITED STATES FOREST SERVICE**

Pursuant to Federal Rules of Criminal Procedure, Rule 58(d) and Local Criminal Rule 58.2 of the United States District Court for the Western District of Michigan, the Court hereby designates the misdemeanor and petty offenses for which collateral may be posted and forfeited in lieu of appearance by the person charged and establishes the amount of such collateral that may be posted for offenses committed in the Western District of Michigan that occur on United States Forest Service lands. See Schedule attached hereto.

IT IS SO ORDERED this 9th day of FEBRUARY, 2001.

THIS ORDER SHALL TAKE EFFECT IMMEDIATELY.

**RICHARD ALAN ENSLEN, Chief Judge
United States District Court
Western District of Michigan**

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

OFFENSES COMMITTED WITHIN THE NATIONAL FOREST SYSTEM

<u>SECTION</u>	<u>OFFENSE</u>	<u>COLLATERAL FORFEITURE</u>
PART 261 - SUBPART A - GENERAL PROHIBITIONS		
36 CFR 261.3 <u>INTERFERING WITH FOREST OFFICERS</u>		
The following are prohibited:		
(a)	Threatening, resisting, intimidating or interfering with any Forest Officer in or on account of the performance of his/her official duties in the protection, improvement, or administration of the National Forest System.	MANDATORY APPEARANCE
(b)	Giving any false, fictitious or fraudulent report or other information to any Forest Officer engaged in or on account of the performance of his official duties, knowing that the report or other information contains false, fictitious or fraudulent statement of entry.	\$100.00
(c)	Threatening, intimidating or intentionally interfering with any Forest Officer, volunteer, or human resource program enrollee while engaged in, or on account of, the performance of duties for the protection, improvement, or administration of the National Forest System or other duties assigned by the Forest Service.	MANDATORY APPEARANCE
36 CFR 261.4 <u>DISORDERLY CONDUCT</u>		
The following are prohibited:		
(a)	Engaging in fighting.	\$200.00
(b)	Addressing any offensive, derisive, or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person whom, individually, the remark is addressed.	\$100.00

36 CFR 261.4 DISORDERLY CONDUCT – cont.

- | | | |
|-----|---|-----------------|
| (c) | Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action. | \$100.00 |
| (d) | Causing public inconvenience, annoyance, or alarm making unreasonably loud noise. | \$75.00 |

36 CFR 261.5 FIRE

The following are prohibited:

- | | | |
|-----|--|-----------------|
| (a) | Carelessly or negligently throwing or placing any ignited substance or other substance that may cause fire. | \$100.00 |
| (b) | Firing of tracer bullet or incendiary ammunition. | \$100.00 |
| (c) | Causing timber, trees, slash, brush or grass to burn except as authorized by permit. | \$100.00 |
| (d) | Leaving a fire without completely extinguishing it. | \$50.00 |
| (e) | Allowing a fire to escape from control. | \$100.00 |
| (f) | Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape. | \$50.00 |

36 CFR 261.6 TIMBER AND OTHER FOREST PRODUCTS

The following are prohibited:

- | | | |
|-----|--|-----------------|
| (a) | Cutting or otherwise damaging any timber, tree, or other forest product, except as authorized by a special-use authorization, timber sale contract, or Federal law or regulation. | \$150.00 |
| (b) | Cutting any standing tree, under permit or timber sale contract, before a Forest Officer has marked it or has otherwise designated it for cutting. | \$175.00 |
| (c) | Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a Forest Officer. | \$175.00 |
| (d) | Stamping, marking with paint, or otherwise identifying any tree or other forest product in a manner similar to that employed by Forest Officers to mark or designate a tree or any other forest product for cutting or removal. | \$250.00 |

36 CFR 261.6 TIMBER AND OTHER FOREST PRODUCTS – cont.

- | | | |
|-----|---|-----------------|
| (e) | Loading, removing or hauling timber or other forest product acquired under any permit or timber sale contract unless such product is identified as required in such permit or contract. | \$175.00 |
| (f) | Selling or exchanging any timber or other forest product obtained under free use pursuant to Section 223.5 through 223.164. | \$100.00 |
| (g) | Violating any timber export or substitution restriction in Section 223.160 through 223.164. | \$100.00 |
| (h) | Removing any timber, tree or other forest product, except as authorized by a special-use authorization, timber sale contract, or Federal law or regulation. | \$150.00 |
| (i) | Violating the Forest Resources Conservation and Shortage Relief Act of 1990 (16 USC 620), or its implementing regulations at 36 CFR 223.185-223.203. | \$150.00 |

36 CFR 261.7 LIVESTOCK

The following are prohibited:

- | | | |
|-----|---|-------------------------------------|
| (a) | Placing or allowing unauthorized livestock to enter or be in the National Forest System or other lands under Forest Service control. | \$50.00
PER ANIMAL |
| (b) | Not removing unauthorized livestock from the National Forest System or other lands under the Forest Service control when requested by a Forest Officer. | \$100.00 |
| (c) | Failing to re-close any gate or other entry. | \$50.00 |
| (d) | Molesting, injuring, removing or releasing any livestock impounded under 262.10 while in the custody of the Forest Service or its authorized agents. | \$100.00 |

36 CFR 261.8 FISH AND WILDLIFE

The following are prohibited to the extent Federal or State law is violated:

- | | | |
|-----|---|-----------------|
| (a) | Hunting, trapping, fishing, catching, molesting, killing or having in possession any kind of wild animal, bird, or fish, or taking the eggs of any such bird. | \$100.00 |
| (b) | Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life. | \$100.00 |
| (c) | Possessing equipment, which could be used for hunting, fishing or trapping. | \$100.00 |

36 CFR 261.8 FISH AND WILDLIFE - cont.

- | | | |
|-----|---|-----------------|
| (d) | Possessing a dog not on a leash or otherwise not confined. | \$50.00 |
| (c) | Curtail the free movement of any animal or plant life into or out of a cave, except as authorized to protect a cave resource. | \$100.00 |

36 CFR 261.9 PROPERTY

The following are prohibited:

- | | | |
|-----|--|-----------------------------|
| (a) | Damaging any natural feature or other property of the United States. | \$100.00 |
| (b) | Removing any natural feature or other property of the United States. | \$100.00 |
| (c) | Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species. | \$500.00 |
| (d) | Removing any plant that is classified as a threatened, endangered, sensitive, rare, or unique species. | \$500.00 |
| (e) | Entering any building, structure or enclosed area owned or controlled by the United States when such building, structure, or enclosed area is not open to the public. | \$100.00 |
| (f) | Using any pesticide except for personal use as an insect repellent or as provided by special-use authorization for other minor uses. | \$100.00 |
| (g) | Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any paleontological, prehistoric, historic or archaeological resource, structure, site, artifact or property. | \$200.00 |
| (h) | Removing any paleontological, prehistoric, historic, or archaeological resource structure, site, artifact or property. | \$200.00
+ VALUE |
| (i) | Excavating, damaging, or removing any vertebrate fossil or removing any paleontological resource for commercial purposes without a special use authorization. | \$150.00 |
| (j) | Excavating, damaging, or removing any cave resource from a cave without a special use authorization, or removing any cave resource for commercial purposes. | \$150.00 |

36 CFR 261.10 OCCUPANCY AND USE

The following are prohibited:

- | | | |
|-----|--|-----------------|
| (a) | Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment, or other improvement on National Forest system land or facilities without a special-use authorization, contract, or approved operating plan. | \$100.00 |
| (b) | Taking possession of, occupying, or otherwise using National Forest system lands for residential purposes without a special-use authorization, or as otherwise authorized by Federal law or regulation. | \$200.00 |
| (c) | Selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation, or special-use authorization. | \$100.00 |
| (d) | Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property:
(1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or (2) Across or on a Forest Development road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result of such discharge.
(3) Into or within any cave. | \$200.00 |
| (e) | Abandoning any personal property. | \$100.00 |
| (f) | Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person. | \$100.00 |
| (g) | Commercial distribution of printed material without a special use authorization. | \$50.00 |
| (h) | When commercially distributing printed material, delaying, halting, or preventing administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System lands; misrepresenting the purposes or affiliations of those selling or distributing the material; or misrepresenting the availability of the material without cost. | \$150.00 |
| (i) | Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical instrument, motor or engine in such a manner and at such a time so as to unreasonably disturb any person. | \$75.00 |

36 CFR 261.10 OCCUPANCY AND USE -- cont.

- | | | |
|-----|---|-----------------|
| (j) | Operating or using a public address system, whether fixed, portable or vehicle mounted, in or near a campsite or developed recreation site or over an adjacent body of water without a special-use authorization. | \$75.00 |
| (k) | Use of occupancy of National Forest system land or facilities without special-use authorization when such authorization is required. | \$100.00 |
| (l) | Violating any term or condition of a special-use authorization, contract or approved operating plan. | \$150.00 |
| (m) | Failing to stop a vehicle when directed to do so by a Forest Officer. | \$100.00 |
| (n) | Failing to pay any special-use fee or other charges as required. | \$75.00 |
| (o) | Discharging or igniting a firecracker, rocket or other firework, or explosive into or within any cave. | \$100.00 |

36 CFR 261.11 SANITATION

The following are prohibited:

- | | | |
|-----|---|-----------------|
| (a) | Depositing in any toilet, toilet-vault, or plumbing fixture any substance, which could damage or interfere with the operation or maintenance of the fixture. | \$100.00 |
| (b) | Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition. | \$150.00 |
| (c) | Placing in or near a stream, lake, or other water any substance, which does or may pollute a stream, lake, or other water. | \$150.00 |
| (d) | Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area, or by depositing it into a receptacle or at places provided for such purposes. | \$75.00 |
| (e) | Dumping of any refuse, debris, trash, or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been provided and is identified as such, to receive trash generated from land or lands occupied under permit. | \$250.00 |

36 CFR 261.12 FOREST DEVELOPMENT ROADS AND TRAILS

The following are prohibited:

- | | | |
|-----|---|-----------------|
| (a) | Violating the load, weight, height, length or width limitations prescribed by State law except by special-use authorization or written agreement or by order issued under Section 261.54 of this Chapter. | \$100.00 |
| (b) | Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign. | \$100.00 |
| (c) | Damaging and leaving in a damaged condition any such road, trail, or segment thereof. | \$200.00 |
| (d) | Blocking, restricting or otherwise interfering with the use of a road, trail or gate. | \$100.00 |

36 CFR 261.13 USE OF VEHICLES OFF ROADS

It is prohibited to operate any vehicle off Forest Development, State or County Roads:

- | | | |
|-----|--|---|
| (a) | Without a valid license as required by State law. | \$100.00 |
| (b) | Without an operable braking system. | \$100.00 |
| (c) | From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and taillights. | \$100.00 |
| (d) | In violation of any applicable noise emission standard established by any Federal or State agency. | \$100.00 |
| (e) | While under the influence of alcohol or other drugs. If alcohol is involved: then: a blood alcohol of .08 or greater, use mandatory appearance. For persons under 21 years old and a blood alcohol of from .02 to .08 using a field breath test. | MANDATORY
APPEARANCE
Call AUSA |
| | | \$200.00 |
| (f) | Creating excessive or unusual smoke. | \$50.00 |
| (g) | Carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger any person or property. | \$150.00 |
| (h) | In a manner which damages or unreasonably disturbs the land, wildlife or vegetative resources. | \$150.00 |
| (i) | In violation of State law established for vehicles used off roads. | \$100.00 |

36 CFR 261.14 DEVELOPED RECREATION SITES

The following are prohibited:

- | | | |
|-----|---|-----------------|
| (a) | Occupying any portion of the site for other than recreation purposes. | \$50.00 |
| (b) | Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace. | \$50.00 |
| (c) | Cleaning or washing any personal property, fish, animal, or food, or bathing or washing at a hydrant or water faucet not provided for that purpose. | \$50.00 |
| (d) | Discharging or igniting a firecracker, rocket or other fireworks or explosive. | \$100.00 |
| (e) | Occupying between 10 p.m. and 6 a.m. a place designated for day use only. | \$50.00 |
| (f) | Failing to remove all camping equipment or personal property when vacating the area or site. | \$50.00 |
| (g) | Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment. | \$75.00 |
| (h) | Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up. | \$50.00 |
| (i) | Leaving camping equipment unattended for more than 24 hours without permission. | \$50.00 |
| (j) | Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, or upon a leash not more than six feet, or otherwise under physical restrictive control. | \$50.00 |
| (k) | Bringing in or possessing in a swimming area an animal, other than a seeing eye dog. | \$50.00 |
| (l) | Bringing in or possessing a saddle, pack, or draft animal except as authorized by posted instructions. | \$50.00 |
| (m) | Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose. | \$50.00 |
| (n) | Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use. | \$50.00 |
| (o) | Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site. | \$50.00 |
| (p) | Depositing any body waste except into receptacles provided for that purpose. | \$100.00 |

**36 CFR 261.15 ADMISSION, RECREATION USE AND SPECIAL
RECREATION PERMIT FEES**

Failing to pay any fee established for admission or entrance to or use of a site, facility, equipment or service furnished by the United States is prohibited. The maximum fine shall not exceed \$100.00.

\$50.00

36 CFR 261.16 NATIONAL FOREST WILDERNESS

The following are prohibited in a National Forest Wilderness:

- (a) Possessing or using a motor vehicle, motorboat, or motorized equipment, except as authorized by Federal law or regulation.
- (b) Possessing or using a hang glider or bicycle.
- (c) Landing of aircraft, or dropping or picking up of any material, supplies, or person by means of aircraft including a helicopter.

\$150.00

\$100.00

\$200.00

**36 CFR 261.20 UNAUTHORIZED USE OF "SMOKEY BEAR"
AND "WOODSY OWL" SYMBOL**

The following are prohibited:

- (a) Manufacture, importation, reproduction or use of "Smokey Bear" except as provided under 271.2, 271.3, and 271.4 is prohibited.
- (b) Manufacture, importation, reproduction or use of "Woodsy Owl" except as provided under 272.2, 272.3, or 272.4 is prohibited.

**MANDATORY
APPEARANCE
MANDATORY
APPEARANCE**

PART 261 - SUBPART B - PROHIBITIONS IN AREAS DESIGNATED BY ORDER

Prohibitions designated by the Regional Forester applicable to all Region 9 Forests:

36 CFR 261.52 FIRE

When provided by an order, the following are prohibited:

- | | | |
|-----|---|-----------------|
| (a) | Building, maintaining, attending or using a fire, campfire, or stove fire. | \$100.00 |
| (b) | Using an explosive. | \$100.00 |
| (c) | Smoking. | \$100.00 |
| (d) | Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material. | \$100.00 |
| (e) | Going into or being upon an area. | \$100.00 |
| (f) | Possessing, discharging or using any kind of fireworks or other pyrotechnic device. | \$100.00 |
| (g) | Entering an area without any fire-fighting tool prescribed by the order. | \$100.00 |
| (h) | Operating an internal combustion engine. | \$100.00 |
| (i) | Welding, or operating an acetylene or other torch with open flame. | \$100.00 |
| (j) | Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either:
(1) Department of Agriculture, Forest Service Standard 5100-1a; or
(2) appropriate Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a). | \$100.00 |
| (k) | Violating any State law specified in the order concerning burning, fires, or which is for the purpose of preventing, or restricting the spread of fires. | \$100.00 |

36 CFR 261.53 SPECIAL CLOSURES

When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of:

- | | | |
|-----|---|----------------|
| (a) | Threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish. | \$75.00 |
| (b) | Special biological communities. | \$75.00 |
| (c) | Objects or areas of historical, archeological, or paleontological interest. | \$75.00 |

36 CFR 261.53 SPECIAL CLOSURES – cont.

- | | | |
|-----|---|---------|
| d) | Scientific experiments or investigations. | \$75.00 |
| (e) | Public health or safety. | \$75.00 |
| (f) | Property. | \$75.00 |

36 CFR 261.54 FOREST DEVELOPMENT ROADS

When provided by an order, the following are prohibited:

- | | | |
|-----|---|---|
| (a) | Using any type of vehicle prohibited by the order. | \$100.00 |
| (b) | Use by any type of traffic prohibited by the order. | \$100.00 |
| (c) | Using a road for commercial hauling without a permit or written authorization. | \$250.00 |
| (d) | Operating a vehicle in violation of the speed, load, weight, height, length and width or other limitations specified by the order. | \$200.00 +
\$0.03/lbs over |
| (e) | Being on the road. | \$100.00 |
| (f) | Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or likely to endanger any person or property. If the person is using alcohol and driving then use following: for a blood alcohol of .08 or greater, use mandatory appearance. For persons under 21 years old and a blood alcohol of from .02 to .08 using a field breath test. | \$200.00 |
| | | MANDATORY
APPEARANCE
Call AUSA |
| | | \$200.00 |

36 CFR 261.55 FOREST DEVELOPMENT TRAILS

When provided by an order issued in accordance with 261.50 of this subpart, the following are prohibited on a forest development trail:

- | | | |
|-----|---|----------|
| (a) | Being on the trail. | \$50.00 |
| (b) | Using any type of vehicle prohibited by the order. | \$75.00 |
| (c) | Use of any type of traffic or mode of transport prohibited by the order. | \$75.00 |
| (d) | Operating a vehicle in violation of the width, weight, height, length, or other limitations specified by the order. | \$100.00 |
| (e) | Shortcutting a switchback in a trail. | \$50.00 |

36 CFR 261.56 USE OF VEHICLES OFF FOREST DEVELOPMENT ROADS

When provided by an order, it is prohibited to possess or use a vehicle off forest development roads.	\$100.00
---	----------

36 CFR 261.57 NATIONAL FOREST WILDERNESS

When provided by an order, the following are prohibited:

(a)	Entering or being in the area.	\$50.00
(b)	Possessing camping or pack-outfitting equipment, as specified by the order.	\$50.00
(c)	Possessing a firearm or firework.	\$100.00
(d)	Possessing any non-burnable food or beverage containers, including deposit bottles, except for non-burnable containers designed and intended for repeated use.	\$50.00
(e)	Grazing.	\$50.00
(f)	Storing equipment, personal property or supplies.	\$100.00
(g)	Disposing of debris, garbage, or other waste.	\$150.00
(h)	Possessing or using a bicycle, wagon, cart or other vehicle.	\$100.00

36 CFR 261.58 OCCUPANCY AND USE

When provided by an order, the following are prohibited:

(a)	Camping for a period longer than allowed by the permit.	\$75.00
(b)	Entering or using a developed recreation site or portion thereof.	\$50.00
(c)	Entering or remaining in a campground during night periods prescribed in the order except for persons who are occupying such campgrounds.	\$75.00
(d)	Occupying a developed recreation site with prohibited camping equipment prescribed by the order.	\$50.00
(e)	Camping.	\$75.00
(f)	Using a campsite or other area described in the order by more than the number of users allowed in the order.	\$50.00
(g)	Parking or leaving a vehicle in violation of posted instructions.	\$50.00
(h)	Parking or leaving a vehicle outside a parking space assigned to one's own camp unit.	\$50.00
(i)	Possessing, parking or leaving more than two vehicles, except motorcycles or bicycles per camp unit.	\$50.00
(j)	Being publicly nude.	\$50.00
(k)	Entering or being in a body of water.	\$50.00
(l)	Being in the area after sundown or before sunrise.	\$50.00
(m)	Discharging a firearm, air rifle or gas gun.	\$150.00
(n)	Possessing or operating a motorboat.	\$75.00
(o)	Water skiing.	\$50.00
(p)	Storing or leaving a boat or raft.	\$100.00

36 CFR 261.58 OCCUPANCY AND USE -- cont.

(q)	Operating any watercraft in excess of a posted speed limit.	\$75.00
(r)	Launching a boat except at a designated launching ramp.	\$50.00
(s)	Possessing, storing, or transporting any bird, fish, or other animal or parts thereof, as specified in the order.	\$75.00
(t)	Possessing, storing, or transporting any part of a tree or other plant, as specified in the order.	\$75.00 Marijuana \$250.00
(u)	Being in the area between 10 p.m. and 6 a.m. except a person who is camping or who is visiting a person camping in that area.	\$50.00
(v)	Hunting or fishing.	\$100.00
(w)	Possessing or transporting any motor or mechanical device capable of propelling a watercraft through water by any means.	\$100.00
(x)	Using any wheel, roller, or other mechanical device for the overland transportation of any watercraft.	\$100.00
(y)	Landing of aircraft, or dropping or picking up any material, supplies, or person by means of an aircraft, including a helicopter.	\$250.00
(z)	Entering or being on lands or waters within the boundaries of a component of the National Wild and Scenic Rivers System.	\$50.00
(aa)	Riding, hitching, tethering or hobbling a horse or other saddle or pack animal in violation of posted instructions.	\$50.00
(bb)	Possessing a beverage, which is defined as an alcoholic beverage by State law.	\$75.00
(cc)	Possessing or storing any food or refuse, as specified in the order.	\$50.00
(dd)	[Reserved]	
(ee)	Depositing any body waste in caves except into receptacles provided for that purpose.	\$75.00